

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLENARD CEBRON WADE,  
Petitioner,  
No. C 13-4666 VC (PR)  
No. C 14-2627 VC (PR)

ORDER ADMINISTRATIVELY  
CLOSING CASES WITHOUT  
PREJUDICE TO FILING MOTION  
TO ADD CLAIMS IN CASE NO.  
13-4636 TEH (PR)

FRED FOULK, Warden,  
Responder

Clenard Cebron Wade, a state prisoner proceeding pro se, filed two petitions for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the state criminal conviction and sentence he received in Contra Costa County Superior Court in case number 05-0803619. Each petition was opened as a separate case and given the above-captioned case numbers. Wade also filed an earlier petition challenging the same criminal conviction from Contra Costa County Superior Court, case number 05-0803619. The earlier-filed petition was opened as a separate case, Wade v. Foulk, case number C 13-4636 TEH (PR). Wade appears to assert different claims in each petition.

It appears Wade believes he must file a new petition for different habeas claims. That is not correct. To the contrary, all claims regarding the same conviction and sentence must be filed in the same petition. Wade may not file separate petitions challenging the same state court conviction and sentence. All his claims regarding his state conviction must be included in one

1 petition, and they must be included in the one that he filed first, which is case number C 13-4636  
2 TEH (PR).

3 Therefore, case numbers C 13-4666 VC (PR) and C 14-2627 VC (PR) are administratively  
4 closed without prejudice. Wade may, but is not required to, bring a motion to amend his petition  
5 in case number C 13-4636 TEH (PR) to add claims that he included in the two later petitions. Any  
6 pending motions in the cases that are administratively closed are denied without prejudice to re-  
7 filing in case number C 13-4636 TEH (PR), should the need arise.

8 **CONCLUSION**

9 Based on the foregoing, the Court orders as follows:

- 10 1. Case numbers C 13-4666 VC (PR) and C 14-2627 VC (PR) are administratively closed  
11 without prejudice to Wade bringing a motion to amend in case number C 13-4636 TEH (PR).  
12  
13 2. Because these cases were filed in error, the Clerk of the Court shall not charge a filing  
14 fee for them.  
15  
16 3. The Clerk of the Court shall terminate all pending motions and close the files.

17 **IT IS SO ORDERED.**

18 Dated: June 17, 2014

19   
VINCE CHHABRIA  
United States District Judge

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3  
4 CLENARD C. WADE,  
5 Plaintiff,  
6 v.  
7 FRED FOULK, et al.,  
8 Defendants.

9  
10 Case No. [13-cv-04666-VC](#)  
11

12 **CERTIFICATE OF SERVICE**  
13

14 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
15 District Court, Northern District of California.  
16

17 That on 6/17/2014, I SERVED a true and correct copy(ies) of the attached, by placing said  
18 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
located in the Clerk's office.  
19

20 Clenard C. Wade  
21 High Desert State Prison A2-113 Upper  
22 P.O. Box 3030  
23 Susanville, CA 96127  
24

25 Dated: 6/17/2014  
26  
27

28 Richard W. Wiking  
Clerk, United States District Court

29  
30 By: \_\_\_\_\_  
Kristen Melen, Deputy Clerk to the  
Honorable VINCE CHHABRIA  
31  
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